

### **REMARKS**

This Amendment responds to the Office action dated February 23, 2004. Upon entry of this amendment, claims 1-6 and 29-36 are withdrawn, claims 9 and 20 are canceled, and claims 7-8, 10-19, and 21-28 are pending and at issue. Applicants believe the amended claims better define the scope of the invention and have placed the Application in condition for allowance. Reconsideration and allowance of all pending claims are respectfully requested.

Before addressing the specifics of the Office action, an amendment to FIG. 3 is submitted herewith. As shown in the "Annotated Marked-up Drawings" attached hereto, reference numeral 40 has been removed and replaced with reference numeral 61, for consistency with the written specification. A formal drawing incorporating this change will be submitted upon allowance of the application. Consideration and entry of this drawing change are requested.

The present Office action rejects claims 7-8, 10-19, and 21-28 under 35 U.S.C. 103(a) as being unpatentable over Spindler et al. (U.S. Patent No. 5,509,538) in view of Wegrzyn (U.S. Patent No. 5,685,098). Applicants respectfully traverse this rejection.

As now amended, independent claims 7 and 18 more clearly recite a stock order assembling apparatus that includes two location indicators associated with the storage bins. More specifically, claim 7 requires "at least two location indicators associated with the storage bins, a first location indicator comprising a light associated with each storage bin, and a second location indicator comprising a direction display." In addition, claim 7 specifies that the computer "illuminates the light for the storage bin associated with the specific stock item in the current pick operation, and operates the direction display to indicate a direction of a storage bin associated with a subsequent pick operation." Accordingly, it is clear that both

the lights and the direction display are used to indicate the location of a storage bin from which stock items are to be picked. Furthermore, the light indicates the location of the bin for the stock item in the current pick, while the direction display indicates the location of the bin for the stock item in the subsequent pick. It is not seen that the cited prior art discloses or suggests such apparatus.

Instead, Spindler et al. disclose only a single indicator associated with the storage bins. More specifically, Spindler et al. disclose the use of a location display 40 to "display an identifier, such as flow rack number, to direct worker 20 to the proper SKU batch in his pick zone." Column 9, lines 6-10. The Office action asserts that the bicolor LED 46 is responsive to the lights recited in the claims. The LED 46 of Spindler et al., however, is used to identify a "put zone" corresponding to the cars 22 and associated cartons 28 into which items will be placed. Column 8, lines 49-55. Accordingly, the LED 46 is not associated with a bin holding items to be picked, as specified in claim 7, but is associated with a car or carton into which items are to be placed. The distinction is significant, since the claimed apparatus having both a light and a direction display associated with the storage bins allows a stock worker to have advanced notice of the location of the stock item in a subsequent pick operation. Spindler et al. fail to suggest such a benefit, let alone teach structure for accomplishing it.

Wegrzyn fails to supply the deficiencies noted above with respect to Spindler et al. Wegrzyn is cited for its disclosure of "a direction indicator." As such, the office action does not allege, nor upon review does it appear, that Wegrzyn discloses or suggests a light associated with each storage bin. Furthermore, Wegrzyn fails to disclose or suggest two location indicators associated with storage bins, wherein a first location indicator includes a light that is operated by a computer to indicate a location of a storage bin associated with a current pick operation, and a second location indicator includes a direction display that is

operated by the computer to indicate the direction of a storage bin associated with a subsequent pick operation. Accordingly, claim 7 is patentable over the combination of Spindler et al. and Wegrzyn.

Independent claim 18 includes the same elements noted above with respect to claim 7, and therefore is similarly patentable over the cited prior art. Furthermore, claims 8, 10-17, 19, and 21-28 all depend directly or indirectly from independent claims 7 and 18, and therefore are also patentable over the cited prior art.

### CONCLUSION

It is submitted that claims 7-8, 10-19, and 21-28 of as appearing in the present application are in good and proper form for allowance. A favorable action on the part of the Examiner is respectfully solicited.

If, in the opinion of the Examiner a telephone conference would expedite prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP

May 24, 2004

By:



Brent E. Matthias, Reg. No. 41,974  
Attorneys for Applicants  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606-6402  
(312) 474-6300